

BOARD OF MEDICAL LICENSURE AND DISCIPLINE
FULL BOARD
MINUTES OF MEETING
12 APRIL 2006
Open Session
Minutes

Board Members in Attendance:

Patrick Barry, Esq.

Norm Chapman

Margaret Coughlin

Charles Cronin, DO

Robert Dinwoodie, DO

Richard P. Iacobucci, MD

Noubar Kessimian MD

Henry Litchman, MD

Shelagh McGowan

Board Members Absent:

Thomas Breslin, MD

Joseph DiPietro, Esq.

David R. Gifford, MD, MPH, Chair

Staff Members in Attendance:

Robert S. Crausman, MD, Chief Administrative Officer

Bruce McIntyre, Legal Counsel

Linda Julian, Investigator

Mary Salerno, Administrative Officer

Jane Ogg, Legal Intern

Guests:

John Barylick, Esq.

Christine McBurney, Esq., RI Trial Lawyer's Association

Paul Anderson, Esq.

Newell E. Warde, Ph.D., RI Medical Society

David Leveillee, RI Medical Society

1. A quorum was established at 8:35 AM.

2. On a motion by Ms. McGowan seconded by Dr. Kessimian it was voted to approve the minutes of the Open Session of the March 8, 2006 meeting.

3. Chief Administrative Officer's Report

A. Board Member Patrick Barry, Esq. and John Barylick, Esq. provided the Board with a trial lawyer's perspective on malpractice insurance in Rhode Island.

Mr. Barry began the presentation by outlining issues relating to the following topics:

1. Six (6) Year Resolution Time - Refers to an insurer's open file. The actual time in suit is much less. The typical malpractice case, from filing to resolution, is from 2 to 3 years.

2. Pre-judgment Interest Rule - Refers to the 12%/year interest accrued from the date of the claim to the verdict.

3. The Assermely Rule - Was reviewed.

4. Verdict and Settlement Statistics - There have been very few verdicts in Rhode Island. There was one verdict for each year in 2003-2005, two verdicts in 2002, and 3 verdicts in 3003.

Mr. Barry concluded by saying that Rhode Island has a very good defense attorney system and most malpractice cases are settled.

Mr. Barylick continued by presenting the Board with recent facts and statistics regarding physician insurers and claims-based premiums.

B. Mr. Bruce McIntyre followed up with a brief statement regarding the effect that malpractice issues have on Board decisions. The overriding core mission of the Board is that of regulators protecting the public.

Mr. McIntyre also spoke about the recent acquittal of Dr. Russell Aubin in a criminal trial. After a Board mandated hearing and the revocation of Dr. Aubin's medical license for sexual boundary violations by the Department of Health, Dr. Aubin was acquitted of criminal charges in a criminal trial. Dr. Aubin is now appealing the

Board's decision to revoke his license. This criminal acquittal should have no bearing on the Board's decision.

C. In regards to Thermography, on a motion by Dr. Kessimian seconded by Dr. Dinwoodie the Board voted to adopt the American Medical Association Policy Statement regarding Thermography. The official statement may be obtained at <http://www.ama-assn.org>

4. There was no old business to discuss.

5. New business:

There was no new business.

6. At 10:00 AM the Board adjourned to Executive Session.

7. At 10:45 AM the Board reconvened to Open Session to review the minutes of the Licensing Committee. On a motion by Dr. Iacobucci seconded by Mr. Barry the Licensing Committee minutes were accepted.